FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
NAGPUR BENCH, NAGPUR

Misc. Civil Application No. 804 / 2007
(Akash Nandkishor Zod & 2 ors. Vs. Smt. Sumitrabai Krishnarao Kakade & anr.)

Appeal	District :
Application No.	of 200
Writ petition	

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders

Smt. Shubhangi Choudhary (Wakte), Adv. for applicants.

CORAM : Smt. Vasanti A. Naik, J.
DATED : 22nd August, 2007.

Heard the learned counsel for the applicants.

It is submitted in this application that the matter was listed for admission on 13/4/2007, the counsel for the appellant did not appear as, by mistake, the matter was not marked. It is then stated that in view of the non-appearance of the counsel, the matter was dismissed in default and it is necessary to restore the same.

I have perused the ordersheet. None appeared on behalf of the appellants on 2/2/2007, 29/3/2007 and 13/4/2007. In fact, the ordersheet shows that time was sought on behalf of the appellant on a number of occasions. It is in these circumstances the matter came to be dismissed in default by the order dated 13/4/2007. However, since the client should not suffer for the mistake of

his counsel, the Second Appeal No. 112/2006 is restored to file on the condition that the applicants deposit costs of Rs. 500/- in the High Court Legal Services Sub Committee, Nagpur, within a period of two weeks from today.

M.C.A. is allowed and disposed of.

JUDGE

RMP